

STATUS OF CLAIMS

Claims 1 through 18, and 30 were pending in this application.

Claims 1 through 3, 5 through 9, 12 through 18, and 30 stand rejected by the Examiner.

Claims 4, 10 and 11 have been objected to.

Claims 1, 18 and 30 have been amended.

Claims 1 through 18 and 30 are now pending in this application.

REMARKS

In view of the remarks which follow, Applicant respectfully requests reconsideration of the subject application.

35 U.S.C. §103 Claim Rejections

Claims 1-3, 5-9, 12-18 and 30 stand rejected as being unpatentable over United States Patent No. 3,846,199 to Cappelli (hereinafter “Cappelli”) in view of United States Patent No. 5,735,895 to Rinehart (hereinafter “Rinehart”). Applicant notes with appreciation that the Examiner acknowledges the patentability of Claims 4, 10 and 11, albeit if written in independent form. Nevertheless, Applicant respectfully traverses the rejection and objections to Claims 1 - 18 and 30 for at least the following reasons.

35 U.S.C. 103(a) sets forth in part:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time of the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

The Office bears the burden of establishing a *prima facie* case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). To establish a *prima facie* case of obviousness, all of the recited claim limitations must be taught or suggested in the prior art. *See, MPEP 2143.03; see also, In re. Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) [emphasis added].

In the Examiner's view, Cappelli discloses an artificial eye comprising at least four pre-formed components fused together; those components comprising a base component, a pupil component, an iris component, and a cornea component. The Examiner concedes, however, that Cappelli fails to teach that the components are made of glass. In order to overcome this deficiency, the Examiner concludes that:

an artificial glass eye is very well known in the art
as evidenced by Rinehart.

Applicant respectfully submits that the cited references, either separately or in combination, fail to either teach or suggest each of the limitations of Claims 1 through 18 and 30. With respect to independent Claims 1 and 30, it should be noted that Applicant's invention is directed to an artificial eye comprising pre-formed glass components which are fused together. Each of amended claims 1 and 30 recite that "air is substantially prevented from being trapped between said components." Neither Cappelli nor Rinehart disclose that air is prevented from being trapped between glass components. In fact, the problem is not presented, and therefore not considered, in either Cappelli or Reinhart because neither teach or suggest fusing two or more glass components together.

More specifically, the problem of trapped air is not encountered in Cappelli because plastic is used as the substrate rather than the fusing of preformed glass components.

See e.g. Cappelli at column 2, lines 62 – 64, column 2, lines 70 – 71, and column 3, lines 7 – 15. Likewise, the problem is not encountered in Reinhart because a texturizing glaze (rather than a preformed glass component) is fired on to the surface of the glass eyepiece, rather than the fusing of preformed glass components. *See e.g.* Reinhart at column 6, lines 18 – 26. Thus, neither Cappelli nor Reinhart disclose or suggest that “air is substantially prevented from being trapped between [glass] components.”

Moreover, Cappelli does not, as the Examiner states, disclose the “outer ring” recited in Claim 30. Specifically, the Examiner states that:

the ring (16) as shown in Figs. 1 and 5 [of Cappelli] is considered an outer ring (applicant’s claim 30).

In this regard, what the Examiner characterizes as “ring (16)” of Cappelli is actually described in Cappelli as one of a “stack of prepainted transparent discs 16, 18, 20, and 22.” See Col. 2, line 59. In contrast, Applicant’s outer ring is described at Paragraph [0052] of Applicant’s specification as comprising:

a generally hollow cylindrical shape having an inner surface 81 and an outer surface 82 as shown in FIG. 6 Outer ring component 80 is shaped and sized to match a specific base component 10.

Thus, “prepainted transparent disc 16” of Cappelli is structurally distinct from Applicant’s “outer ring.” Specifically, disc 16 is not a ring at all, it is a substantially flat structure having a hole in the center. Geometrically disc 16 is not a “hollow cylindrical shape.” Moreover, disc 16 is not “shaped and sized to match a specific base component.” Inasmuch as Cappelli neither teaches nor suggests the outer ring of Claim 30, all of the recited claim limitations of Claim 30 are not satisfied.

Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection inasmuch as all of the claim limitations of independent Claims 1 and 30 are neither taught nor suggested by Cappelli or Reinhardt when considered either individually or in combination.

The Examiner has also rejected independent Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Cappelli in view of Rinehart. As with Claims 1 and 30, Cappelli and Reinhardt do not teach all of the limitations of Claim 18. Although the Examiner admits that Cappelli and Rinehart fail to teach various decorative features set forth in Claim 18, the Examiner does not acknowledge the differences between the structures of Claim 18 and the structure described by Cappelli and/or Rinehart.

Specifically, neither Cappelli nor Rinehart disclose individually or in combination a pressed glass blank comprising a convex outer surface wherein the outer surface further comprises a flat area. Arguably, Cappelli discloses a base 12, however base 12 does not have any flat surfaces on the convex outer surface of base 12. See Cappelli at Fig. 1. Similarly, Rinehart does not teach or suggest a flat surface on convex outer surface 24. See Rinehart at Fig. 2. Accordingly, Claim 18, as presently presented, is patentably distinct over Cappelli and Rinehart both individually and when considered in combination.

Accordingly, Applicant submits that independent Claims 1, 18 and 30 are each patentably distinct over the prior art of record. Applicant further submits that Claims 2 through 17 are similarly distinguishable over the prior art of record, at least by their ultimate dependency from patentably distinct independent Claim 1.

For the foregoing reasons, Applicant submits that Claims 1 through 18 and 30 are patentably distinct over the prior art of record. Accordingly, Applicant respectfully requests early and favorable disposition of Claims 1 through 18 and 30.

Request for Interview

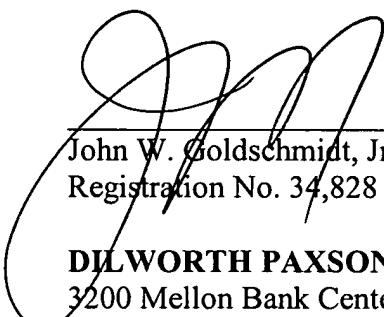
Applicant respectfully requests the courtesy of a telephonic interview with the Examiner upon receipt of this Response in order to expedite the prosecution of this application.

CONCLUSION

Wherefore, Applicant believes that all outstanding grounds raised by the Examiner have been addressed and requests reconsideration of the instant application. Accordingly, Applicant respectfully submits that the present case is in condition for allowance, the early notification of which is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment related to this submission to Deposit Account Number 50-0979.

Respectfully submitted,



John W. Goldschmidt, Jr.
Registration No. 34,828

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DILWORTH PAXSON LLP
3200 Mellon Bank Center
1735 Market Street
Philadelphia, PA 19103-7595
Tel. (215) 575-7000
Fax (215) 575-7200

Attorneys for Applicant